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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,080	01/02/2004	Padmaja Putcha	CS23662RA	4381
20280	7590	01/12/2007	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/751,080	PUTCHA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Julio R. Perez	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02 January 2004</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Objections***

1. Claim 17 is objected to because of the following informalities: On line 1, delete "a" before "from". Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willenegger et al. (hereinafter Willenegger), 2006/0189272 in view of Parantainen (2006/0156370).

Regarding claim 1, Willenegger discloses a method for a user device to receive a broadcast data session, wherein data is transmitted on multiple frequencies, said method comprising the steps of: determining a configuration associated with the second frequency in accordance with receiving the broadcast data session (page 4, paragraphs 73,78-79; furthermore, claim 1 discloses broadcasting as associated to a second channel, page 20, claim 1); and configuring the user equipment to receive the broadcast data session in accordance with the determined configuration (page 4, paragraphs 73,78-79; page 10, paragraph 298,; page 20, paragraphs 318-319).

What Willenegger does not specifically disclose is receiving a notification for a broadcast data session on a first frequency identifying a second frequency on which

broadcast data of the broadcast data session is sent. In an analogous art, Parantainen remedies the deficiencies of Willenegger by disclosing such limitation (page 1, paragraphs 10-11; page 2, paragraph 15; page 3, paragraphs 22-24).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Willenegger to include Parantainen to implement the system with means to transmit a notification wherein a frequency, in which broadcast data is sent, may be indicated.

Regarding claim 2, the combination of Willenegger and Parantainen discloses prior to the step of receiving a notification, monitoring the first frequency for broadcast data (Parantainen, page 1, paragraphs 10-11; page 2, paragraph 15; page 3, paragraphs 22-24).

Regarding claim 3, the combination of Willenegger and Parantainen discloses receiving the broadcast data session on the second frequency (Parantainen, page 1, paragraphs 10-11; page 2, paragraph 15; page 3, paragraphs 22-24).

Regarding claim 4, the combination of Willenegger and Parantainen discloses switching from the second frequency to a third frequency upon completion of the broadcast data session (Parantainen, page 1, paragraphs 10-11; page 2, paragraph 15; page 3, paragraphs 22-24).

Regarding claim 5, the combination of Willenegger and Parantainen discloses switching from the second frequency to the first frequency upon completion of the broadcast data session (Parantainen, page 1, paragraphs 10-11; page 2, paragraph 15; page 3, paragraphs 22-24).

Regarding claim 6, the combination of Willenegger and Parantainen discloses determining a broadcast frequency configuration associated with the second frequency, from configurations pre-stored in the user device, in accordance with receiving the broadcast data session (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 7, the combination of Willenegger and Parantainen discloses receiving the notification of the broadcast data session, determining whether the user device is engaged in a data interchange on the first frequency, and terminating the data exchange activity (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 8, the combination of Willenegger and Parantainen discloses receiving the broadcast data session on the second frequency (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 9, the combination of Willenegger and Parantainen discloses receiving the notification of the broadcast data session, determining whether the user device is engaged in a data interchange activity on the first frequency, and continuing the data interchange activity (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 10, the combination of Willenegger and Parantainen discloses receiving a first broadcast data set on the first frequency; and simultaneously receiving a second broadcast data set on the second frequency (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 11, the combination of Willenegger and Parantainen discloses receiving said notification on said first frequency, receiving a first broadcast data set on the first frequency (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 12, the combination of Willenegger and Parantainen discloses receiving a second broadcast data session on the second frequency simultaneously with the first broadcast data set (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 13, the combination of Willenegger and Parantainen discloses receiving a notification of a data broadcast data session on a broadcast control channel (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 14, the combination of Willenegger and Parantainen discloses receiving a notification of a broadcast data session on a multicast control channel (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 15, the combination of Willenegger and Parantainen discloses an identity of a configuration matching a configuration stores in the user device (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 16, Willenegger discloses for receiving broadcast data, at a user device where multiple data services are available on a plurality of frequencies, the

method comprising: monitoring a first carrier frequency for a multimedia broadcast and multicast service (MBMS) data session (page 4, paragraphs 73,78-79; furthermore, claim 1 discloses broadcasting as associated to a second channel, page 20, claim 1); determining a configuration associated with the second carrier frequency to enable reception of the MBMS data session on the second carrier frequency (page 4, paragraphs 73,78-79; page 10, paragraph 298,; page 20, paragraphs 318-319); and configuring the user device to the second carrier frequency to receive the MBMS data session (page 4, paragraphs 73,78-79; page 10, paragraph 298,; page 20, paragraphs 318-319); determining a configuration that matches the configuration identity of the at least one of a plurality of frequencies from the data set (page 4, paragraphs 73,78-79; page 10, paragraph 298,; page 20, paragraphs 318-319); and configuring, at a time just prior to the start of the MBMS transmission to the configuration that matches the configuration identity to receive the MBMS (page 4, paragraphs 73,78-79; page 10, paragraph 298,; page 20, paragraphs 318-319).

What Willenegger does not specifically disclose receiving a notification on the first carrier frequency of a MBMS data session which is to be transmitted on a second carrier frequency different from the first carrier frequency, wherein the notification includes an identification of the second frequency. In an analogous art, Parantainen remedies the deficiencies of Willenegger by disclosing such limitation (page 1, paragraphs 10-11; page 2, paragraph 15; page 3, paragraphs 22-24).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Willenegger to include Parantainen to implement the system with means to transmit a notification wherein a frequency, in which broadcast data is sent, may be indicated.

Regarding claim 17, the combination of Willenegger and Parantainen discloses reselecting from the first carrier frequency to the second carrier frequency (Parantainen, page 1, paragraphs 10-11; page 2, paragraph 15; page 3, paragraphs 22-24).

Regarding claim 18, the combination of Willenegger and Parantainen discloses receiving a first MBMS data set on the first carrier and receiving a second MBMS on the second carrier frequency (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 19, the combination of Willenegger and Parantainen discloses the configuration associated with the second carrier frequency is stored in a memory in the user device (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 20, the combination of Willenegger and Parantainen discloses the configuration associated with the second carrier frequency is a subset of a plurality of configurations stored in the user device (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 21, the combination of Willenegger and Parantainen discloses the notification includes a configuration ID that correlates to the configuration of the plurality of configurations stored in the user device (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

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Regarding claim 22, the combination of Willenegger and Parantainen discloses the configuration associated with the second carrier frequency is transmitted to the user device (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claim 23, the combination of Willenegger and Parantainen discloses selecting the second carrier frequency for the duration of the MBMS data session (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319); and selecting the first carrier frequency after completion of the MBMS (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claims 24, 26, the combination of Willenegger and Parantainen discloses receiving the MBMS data session via one of either broadcast or multicast communication (Willenegger, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William H. Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julio R Perez  
Examiner  
Art Unit 2617

1/8/07  


  
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